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**REMARKS**

This amendment is filed in response to the Examiner's first Office Action dated October 8, 2003.

In the Office Action, the Examiner restricts the claims to two groups: Group I: claims 51-70, drawn to an ejector pin for a mold and Group II: claims 71-73, drawn to a method of making an ejector. Applicants confirm election of the claims of Group I and cancels, without prejudice, claims 71-73.

Additionally in the Office Action, the Examiner rejects claims 51, 53-56, and 64 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,788,872 to Uratani, rejects claims 52 and 57-63 under 35 U.S.C. §103(a) as being unpatentable over Uratani in view of U.S. Patent No. 4,684,101 to Wagner et al., and rejects claims 65-70 under 35 U.S.C. §103(a) as being unpatentable over Uratani in view of DE 19701025 A1 to Schroder, U.S. Patent No. 4,708,314 to Kuhling, and Wagner et al.

The present amendment amends claims 51 and 52 and adds claims 74-76. Entry of these claim amendments is respectfully requested.

The remainder of the remarks presented below is directed to the allowability of each independent claim.

**Information Disclosure Statements of April 30, 2002 and May 22, 2002**

Applicant respectfully requests acknowledgment of consideration of the two above-identified information disclosure statements, which were respectively mailed to the U.S. Patent Office on April 30, 2002 and May 22, 2002. Courtesy copies of both information disclosure statements along with their accompany PTO-Form 1449 are respectively attached hereto at Tabs B and C.

### **Independent Claim 51**

Claim 51 is believed to be in condition for allowance because none of the cited references of record, including Uratani, Wagner et al., Schroder, and Kuhling, disclose, teach or suggest, alone or in combination, an *injector pin* having a barrel that has a hardened portion and a softer portion that is softer than the hardened portion. An ejector pin is a “a rod, pin or sleeve which pushes a molding off or forces it out of a cavity.” See definitions of “ejector pins” attached hereto at Tab A. The unhardened portion enables cutting and turning on a lathe. As is further claimed, *the barrel of the ejector pin is reciprocable relative to the mold*. The references further fail to disclose, teach or suggest the softer portion having an end that is cut to decrease the length of the barrel so as to accommodate the mold in which the ejector pin is to be assembled. This feature permits the barrel 112 of the pin 102 to be of standard length that is cut to the desired length for the type or size of mold into which it is to be installed. In this manner, the ejector pin 102 can be assembled of standard length and size components and cut to the length required by the specific mold into which it is to be assembled before its assembly into the mold. This can be done prior to shipment or after shipment of the pin 102. An end-user can cut the barrel 112 to size. This also enables a pin 102 with an insert 50 to be manufactured as an assembly prior to installation into a mold 40. Even with an insert 50, the barrel 112 can be cut to size by either a mold-maker or an operator or user of the mold.

Uratani fails to disclose, teach or suggest an ejector pin as it lacks any structure whatsoever that could be construed as being an ejector pin. Moreover, even if one assumes otherwise, Uratani fails to disclose, teach or suggest an ejector pin having a head and barrel “reciprocable relative to the mold,” as is recited in claim 51.

As the Examiner notes on page 4 of the Office Action, Uratani, a primary reference relied on by the Examiner, fails to disclose an ejector pin having hardened and softer portions. The Examiner admits this. In fact, Uratani fails to disclose any kind of an ejector pin. Instead, Uratani discloses a removable marking device. In an attempt to cure the lacking of a disclosure of a hardened and softer portion, the Examiner states that “hardness of a material may vary

depending on the processing techniques of the material during construction. The soft portion of the barrel so it can be cut during the process of making the apparatus and [SIC] does not limit the structural limitation of the apparatus." (Office Action, page 5, lines 1-4). It may be true that hardness of a material may vary depending on the processing techniques of the material during construction. However, this fact does not convert the Uratani removable marking device into an ejector pin that has a barrel with a hardened portion and a softer portion.

In addition, applicant asserts that hardened portion and softer portion are structural limitations. A functional limitation is "an attempt to define something by what it does rather than by what it is." MPEP §2173.05(g). Claim 51 additionally requires the softer end to have an end that *is cut* to decrease the length of the barrel. This is a further structural limitation that is not disclosed by Uratani.

Wagner et al. also fails to disclose an ejector pin. In addition, Wagner et al. fails to disclose, teach or suggest a barrel having a hardened portion and a softer portion. Wagner et al. also fails to disclosure, teach or suggest a softer end that is cut.

Kuhling also fails to disclose, teach or suggest an ejector pin at all, much less one having a barrel with a hardened portion at one end with contacts apart being molded to eject that part and a portion that is softer than the hardened portion. In contrast, Kuhling discloses an adjustable marking device for use in a mold wall.

For at least these reasons, claim 51 is believed to be allowable over the cited references.

### **Independent Claim 69**

Claim 69 is believed to be in condition for allowance because none of the cited references of record, including Uratani, Wagner et al., Schroder, and Kuhling, disclose, teach or suggest an *ejector pin* having a barrel that includes a hardened portion at one end that contacts a part being molded to eject that part and a portion that is softer than the hardened portion at an end at which the head is disposed, the barrel having a length that is capable of being cut to form the end at

which the end is disposed and thereby decreased in length so as to accommodate a mold into which the ejector pin is to be assembled.

In addition to the failures discussed above, Uratani also fails to disclose, among other things, a barrel that ejects a part being molded. Instead, Uratani merely discloses a removable marking device for a mold. The substantially cylindrical outer member 3, which the Examiner contends corresponds to the barrel of claim 59, has imprint information on its outer surface. As is shown in Fig. 3 of Uratani, the marking device 1 is inserted into a mold. However, there is no disclosure, teaching or suggestion of the barrel ejecting a part that is being molded.

Wagner et al. also fails to disclose, teach or suggest an ejector pin having a barrel that contacts a part being molded to eject that part. Instead, Wagner et al. discloses a quick-change mold insert. The mold insert changes the mold cavity detail as desired. In addition, as discussed above, Wagner et al. also fails to disclose, teach or suggest an ejector pin having a barrel having a hardened portion at one end and a portion that is softer than the hardened portion or any ejector pin.

For at least these reasons, claim 69 is believed to be in condition for allowance.

### **Independent Claim 70**

Independent claim 70 is believed to be in condition for allowance because none of the cited references of record, alone or in combination, disclose, teach or suggest an *ejector pin* having a barrel with a hardened portion at one end with contacts apart being molded to eject that part and a portion that is softer than the hardened portion at an end at which the head is disposed. Furthermore, the references further fail to disclose, teach or suggest an ejector pin having a head that is friction welded or inertia welded to the cut end of the barrel.

As the Examiner admits, Uratani fails to teach or suggest a welding. Although Schroder discloses a welding 55 at the point between the barrel and head, Schroder fails to specifically teach friction welding or inertia welding to a cut end of a barrel.

For at least these reasons, claim 70 is believed to be in condition for allowance.

**New Independent Claim 74**

Newly presented claim 74 is believed to be in condition for allowance as none of the references alone or in combination disclose, teach or suggest an ejector pin having a hardened portion and a softer portion that is cut to length and in which the head is integrally formed such that the head and barrel form an ejector pin of one-piece, unitary and homogenous construction.

For at least these reasons, claim 74 is believed to be in condition for allowance.

**New Independent Claim 75**

Newly presented claim 75 is believed to be in condition for allowance as none of the references, alone or in combination, disclose, teach or suggest an ejector pin having a hardened portion and a softer portion that is cut to length and to which the head is attached.

For at least these reasons, claim 75 is believed to be in condition for allowance.

**New Independent Claim 76**

New claim 74 is believed to be in condition for allowance as none of the references disclose, teach or suggest having a hardened portion carrying an imprintable indicia insert and a softer portion that is cut to length and to which the head is attached. Therefore, new claim 76 is believed to be in condition for allowance.

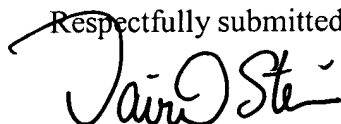
U.S. Serial No. 10/021,770 - Wieder  
Art Unit: 1722 – Attorney Docket 1078.007  
Response to October 8, 2003 Office Action  
Page 13 of 13

**Conclusion**

All of the claims as amended and as newly presented are believed to define patentable subject matter and to be in proper form for allowance. Therefore, consideration and allowance of claims 51-76 are respectfully requested.

A check in the amount of \$43 is enclosed in payment of the fee by a small entity for submission of one independent claim in excess of the number previously presented. Authorization is given to charge any additional fees or credit any overpayment in connection with this or any future communication to Deposit Account No. 50-1170.

Respectfully submitted,



David D. Stein  
Registration No. 40,828

Dated: JANUARY 8, 2004

USPTO Customer Account No.: 23598

Boyle, Fredrickson, Newholm,  
Stein & Gratz S.C.  
250 Plaza Building, Suite 1030  
250 East Wisconsin Avenue  
Milwaukee, WI 53202  
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### Ejector Pins

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A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

**Definition:** A rod, pin or sleeve which pushes a molding off or forces it out of a cavity. It is attached to an ejector bar or plate which can be actuated by the ejector rod(s) of the press or by auxiliary activated cylinders.

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50Tonne(Max) Kawaguchi  
KM50C Injection Moulder  
1990



**CTS#40792**  
1Litre(Max) Chung Hua  
Blow Moulder 1986



**CTS#41379**  
150mm CTS P1 Pelletiser  
(Strand) 1981



**CTS#40990**  
320Tonne(Max) Johns  
CF3200 Injection Moulder  
1978



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# E

## Term

## Definition

### E Dimension

The outside diameter of neck on a threaded bottle neck (finish). The the neck (finish) is measured across the root of the threads.

### EAA

Ethylene acrylic acid

### EC

Ethyl cellulose

### ECTFE

Ethylene chlorotrifluoroethylene

### EEA

Ethylene/ethyl acrylate

### Effect of Strong Acids

A descriptive notation to indicate the material's performance.

### Effective Thread Turns

The number of full 360 turns on a threaded closure that are actually with the neck thread.

### Ejector Pin (on sleeve)

A pin or thin plate that is driven into a mould cavity from the rear as opens, forcing out the finished piece. Also Knockout Pin.

### Ejector Return Pins

Projections that push the ejector assembly back as the mould closes; Surface Pins and Return Pins.

### Ejector Rod

Bar that actuates the ejector assembly when mould is opened.

### Elastic Deformation

The part of the deformation of an object under load which is recovere the load is removed.

### Elastomer

A material which at room temperature stretches under low stress to a twice its length and snaps back to the original length upon release of also Rubber.

### Electroformed Moulds

A mould made by electroplating metal on the reverse pattern on the Molten steel may be then sprayed on the back of the mould to increa strength.

### Electronic Treating

A method of oxidizing a film of polyethylene to render it printable by film between the electrodes and subjecting it to a high voltage coroni

### Electroplating

The deposition of a layer of metal on a base of metal or conducting si electrolysis.

### Elongati n

(1) The change in the length of a body pulled in one direction by the of a force (2) The fractional increase in length of a material stressed

### Elongation, Break

The increase in distance between two gauge marks at the break point

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**Elongation, Yield**

the original distance between the marks. A zero value in the field indicates it measured less than one.

**EMA**

Ethylene/methacrylic acid

**Embossing**

Techniques used to create depressions of a specific pattern in plastics sheeting.

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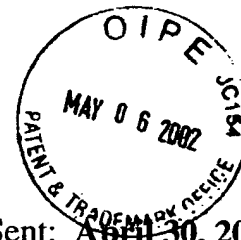
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Serial No.: 10/021,770

Inventors: Klaus A. Wieder

Docket No.: 1078.007

Attorney: DDS



Date Sent: ~~April~~ 30, 2002



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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	10/021,770	
	<b>Filing Date</b>	October 30, 2001	
	<b>First Named Inventor</b>	Klaus A. Wieder	
	<b>Group Art Unit</b>	1722	
	<b>Examiner Name</b>		
<b>Total Number of Pages in This Submission</b>	4+	<b>Attorney Docket Number</b>	1078.007

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<b>Firm or Individual name</b>	David D. Stein, Registration No. 40,868 Boyle, Fredrickson, Newholm, Stein & Gratz, S.C.
<b>Signature</b>	<i>David D. Stein</i>
<b>Date</b>	April 30, 2002

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Group Art Unit: 1722 )  
)  
Examiner: ) Robyn O'Neill 4/30/02  
) Robyn O'Neill Date  
EJECTOR PIN AND METHOD )

INFORMATION DISCLOSURE STATEMENT

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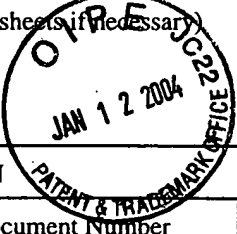
Enclosed are copies of the references listed on the attached "Information Disclosure Statement By Applicant" PTO Form 1449. Some of these references were cited during the prosecution of parent application, U.S. application serial no. 09/177,267, now U.S. Patent No. 6,308,929. The remainder of the references were located by a search that was recently performed.

Respectfully submitted,

David D. Stein

David D. Stein  
Reg. No. 40,868

Boyle, Fredrickson, Newholm, Stein & Gratz, S.C.  
250 East Wisconsin Avenue, Suite 1030  
Milwaukee, WI 53202  
(414) 225-9755  
Attorney Docket No: 1078.007

Form PTO-1449 (Modified) Page 1 of 1 <b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S          INFORMATION DISCLOSURE STATEMENT</b> (Use several sheets if necessary)				Atty. Docket No.: 1078.007		Serial No.: 10/021,770	
				Applicant: Klaus A. Wieder			
				Filing Date: October 30, 2001		Group: 1722	
REFERENCE DESIGNATION				U.S. PATENT DOCUMENTS			
Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
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		6,280,176	8/28/2001	Boyce et al.			
		6,298,904	10/9/2001	Polich			
		6,308,929	10/30/2001	Wieder			

**FOREIGN PATENT DOCUMENTS**

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
		WO 89 02831	4/1989	PCT				X
		DE 197 01 025	6/1998	Germany				X
		DE 197 30 772	1/1998	Germany				X
		DE 93 14 975	12/1998	Germany				X

**OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)**

		D-M-E Standard Runner Shut-Off Inserts detail sheet, Page K-28.5
		D-M-E Standard Runner Shut-Off Inserts detail sheet, Page K-28.6
		D-M-E Standard Mold Dating Inserts detail sheet

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



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The enclosures are:

1. Supplemental Information Disclosure Statement with references
2. Return Postcard

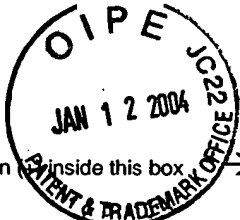
Serial No.: 10/021,770  
Inventors: Klaus A. Wieder  
Docket No.: 1078.007

Attorney: DDS

Date Sent May 22 2002



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PTO/SB/21 (08-00)

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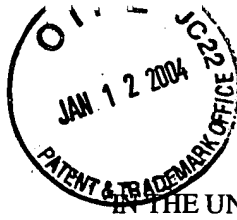
<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	10/021,770	
	<b>Filing Date</b>	October 30, 2001	
	<b>First Named Inventor</b>	Klaus A. Wieder	
	<b>Group Art Unit</b>	1722	
	<b>Examiner Name</b>		
<b>Total Number of Pages in This Submission</b>	3+	<b>Attorney Docket Number</b>	1078.007

ENCLOSURES (check all that apply)		
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<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
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<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Response to Notification of Missing Requirements Under 35 USC 371	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	David D. Stein, Registration No. 40,828 Boyle, Fredrickson, Newholm, Stein & Gratz, S.C.
Signature	<i>David D. Stein</i>
Date	MAY 22, 2002

CERTIFICATE OF MAILING			
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Signature	<i>Robyn H. O'Neill</i>	Date	5/22/02

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Of:

KLAUS A. WIEDER

Serial No.: 10/021,770

Filed: October 30, 2001

Group Art Unit: 1722

Examiner:

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) Robyn O'Neill

) Robyn O'Neill

)

5/22/02  
Date

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

COMMISSIONER FOR PATENTS

Washington, D.C. 20231

Sir:

This information disclosure statement is supplemental to the information disclosure statement filed April 30, 2002. Enclosed are copies of the references listed on the attached "Information Disclosure Statement By Applicant" PTO Form 1449. These references have been located as a result of a recent search that was performed. Also enclosed are copies of commonly owned U.S. Patent Nos. 6,367,765 and 6,308,929 for consideration by the Examiner. Please note that commonly owned U.S. application serial nos. 09/900,392 and 10/109,428 are presently pending. The '428 application is a continuation-in-part of the application that issued as the '765 patent. The above-identified '770 application is a continuation of the application that issued as the '929 patent. A copy of the '428 and '392 applications are also enclosed.

No fee is believed to be owed at this time. However, the Commissioner is hereby authorized to charge payment of any additional fees associated with this or any other communication or credit any overpayment to applicant's attorney's Deposit Account No. 50-1170.

Respectfully submitted,

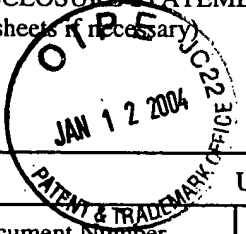
David D. Stein

David D. Stein

Reg. No. 40,828

Date: MAY 22, 2002

Boyle, Fredrickson, Newholm,  
Stein & Gratz, S.C.  
250 East Wisconsin Avenue, Suite 1030  
Milwaukee, WI 53202  
(414) 225-9755  
Attorney Docket No: 1078.007

Form PTO-1449 (Modified) Page 1 of 1 <b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S          INFORMATION DISCLOSURE STATEMENT</b> (Use several sheets if necessary)				Atty. Docket No.: 1078.007		Serial No.: 10/021,770	
				Applicant: Klaus A. Wieder			
				Filing Date: October 30, 2001		Group: 1722	
<b>REFERENCE DESIGNATION U.S. PATENT DOCUMENTS</b>							
Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	AA	4,000,561	1/4/1977	Wieder et al.			
	AB	4,420,446	12/13/1983	Wieder et al.			
	AC	6,308,929	10/30/2001	Wieder			
	AD	6,367,765	4/9/2002	Wieder			
<b>FOREIGN PATENT DOCUMENTS</b>							
		Document Number	Date	Country	Class	Subclass	Translation
							Yes No
<b>OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
EXAMINER				DATE CONSIDERED			
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